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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

February 22, 2006

JOHN CONYERS, JR., Michigan  
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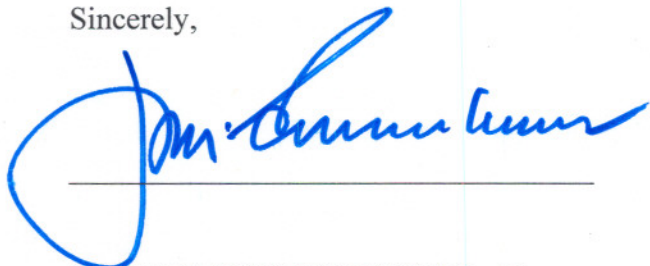
The Honorable Jim Nussle  
Chairman  
House Committee on the Budget  
309 Cannon House Office Building  
Washington, DC 20515

The Honorable John M. Spratt  
Ranking Member  
House Committee on the Budget  
B71 Cannon House Office Building  
Washington, DC 20515

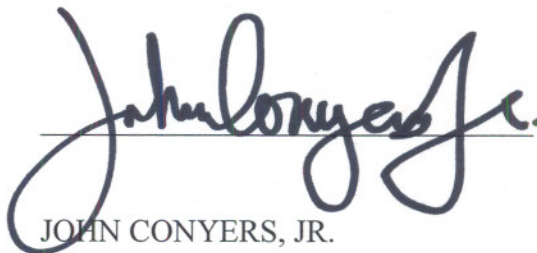
Dear Chairman Nussle:

Pursuant to section 301(d) of the Congressional Budget Act of 1974, as amended, and House Rule X, clause 4(f), we are transmitting the views and estimates of the Committee on the Judiciary with respect to the President's budget proposal for Fiscal Year (FY) 2004. These views and estimates encompass a broad range of federal programs within the jurisdiction of this Committee, and it is our hope that they will provide valuable guidance to the House Budget Committee.

Sincerely,

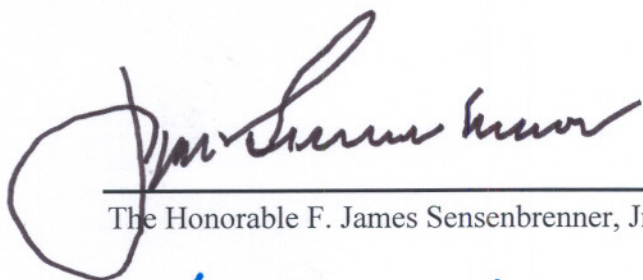


F. JAMES SENSENBRENNER, JR.  
Chairman



JOHN CONYERS, JR.  
Ranking Member

FJS/bb



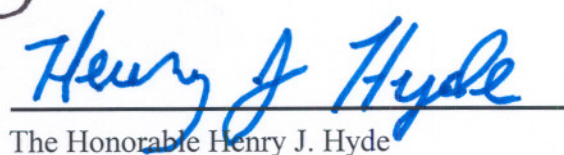
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The Honorable F. James Sensenbrenner, Jr.



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The Honorable Chris Cannon



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The Honorable Henry J. Hyde



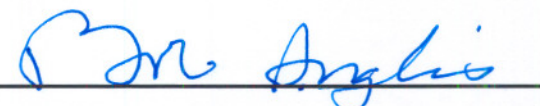
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The Honorable Spencer Bachus



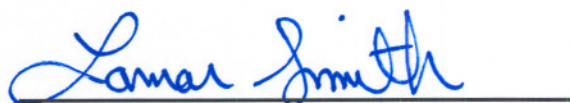
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The Honorable Howard Coble



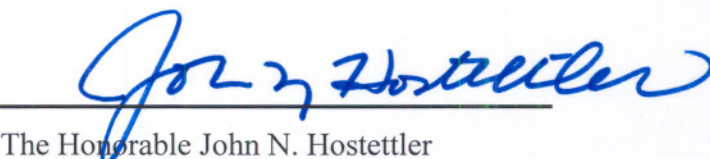
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The Honorable Robert D. Inglis



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The Honorable Lamar S. Smith



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The Honorable John N. Hostettler




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The Honorable Elton Gallegly



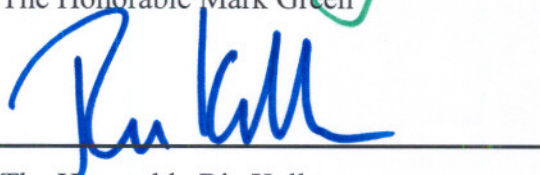
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The Honorable Mark Green



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The Honorable Bob Goodlatte



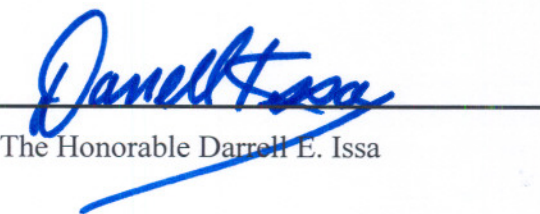
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The Honorable Ric Keller



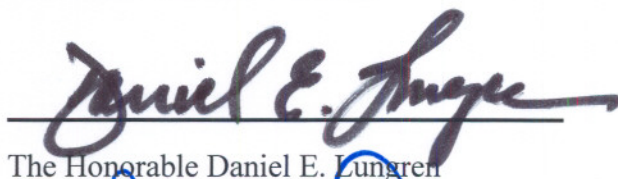
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The Honorable Steve Chabot



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The Honorable Darrell E. Issa



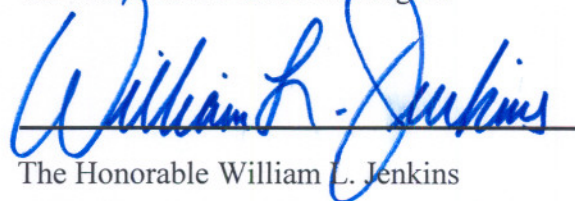
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The Honorable Daniel E. Lungren



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The Honorable Jeff Flake



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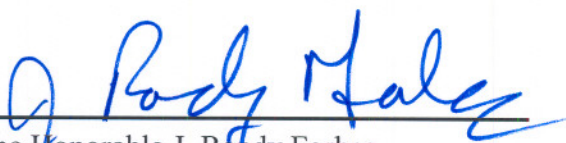
The Honorable William L. Jenkins

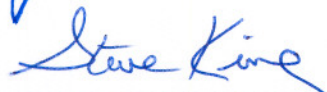


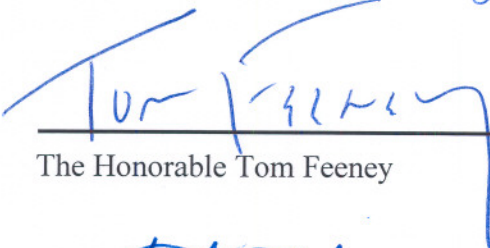
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The Honorable Mike Pence



  
The Honorable J. Randy Forbes

  
The Honorable Steve King - Subject to Additional Views

  
The Honorable Tom Feeney

  
The Honorable Trent Franks

  
The Honorable Louie Gohmert

## COMMITTEE ON THE JUDICIARY

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### VIEWS AND ESTIMATES FOR FISCAL YEAR 2007

#### MANDATORY SPENDING

##### **BANKRUPTCY JUDGESHIPS**

Bankruptcy legislation enacted last year (Public Law 109-8) authorized 28 new temporary bankruptcy judgeships and extended four existing temporary judgeships. Based on a Congressional Budget Office analysis, the mandatory costs associated with the salaries and benefits of these additional judgeships were estimated to be \$5 million for fiscal year 2007. The Committee supports this funding to ensure the efficient disposition of bankruptcy cases.

##### **ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

The Administrative Conference of the United States (ACUS), a nonpartisan body that made many cost-saving recommendations that improved the efficiency and efficacy of regulatory law and practice, was reauthorized at the behest of the Committee on the Judiciary in the prior Congress pursuant to Public Law 108-401. It is expected that ACUS will be appropriated funds at some point during the 109th Congress. Public Law 108-401 authorizes \$3.2 million for fiscal year 2007. The Committee supports this funding.

##### **RADIATION EXPOSURE COMPENSATION FUND**

The National Defense Authorization Act for FY 2005 placed the funding for payment to workers covered under Section 5 of RECA in the Energy Employees Occupational Illness Compensation Program, a mandatory and indefinitely funded program. Additionally, the Consolidated Appropriations Act of 2005 included language changing the funding of the RECA Trust Fund to mandatory and indefinite for the remaining claims paid out of that fund, and thus the program is no longer subject to appropriated funds. Administrative costs for the running of this program have now been included with the general administrative funds for the Civil Division.

##### **FOREIGN CLAIMS SETTLEMENT COMMISSION**

There has been little significant change in the operation of the Foreign Claims Settlement Commission. The budget request for the Foreign Claims Settlement Commission for FY 2007 is \$1,559,000. This is a slight increase above the \$1,320,000 appropriation for fiscal year 2006, and is supported by the Committee.



## **PRIVATE CLAIMS LEGISLATION**

The Committee anticipates it will consider private bills for claims against the United States. The Committee felt that \$5 million was sufficient in 2006 and believes that this figure, based on an analysis of private claims bills passed by recent Congresses, continues to be sufficient to meet the unanticipated costs associated with private claims legislation.

## **DISCRETIONARY SPENDING**

### **ANTITRUST DIVISION**

The President requests \$147.742 million for FY 2007, a \$3.7 million increase from the Fiscal Year 2006 enacted level of \$144.088 million. The Committee supports the important work of the Antitrust Division and supports the President's requested increase.

### **LAW ENFORCEMENT EFFORTS AGAINST TERRORISM**

The Department of Justice first strategic goal is to prevent terrorism and promote the Nation's security. As part of that strategic goal the Department plans to adopt a recommendation by the 9/11 commission to create the National Security Division with the Department of Justice and is requesting \$67 million for this endeavor. The Committee supports this effort and has authorized the Division in the USA PATRIOT Improvement and Reauthorization Act, which is expected to pass both chambers before the end of the 109<sup>th</sup> Congress.

### **EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (EOUSA) - DOJ**

Within each of the 94 Federal districts in the 50 States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the U.S. Attorneys are the chief law enforcement representatives of the Attorney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved. The Executive Office, located in Washington, D.C., at the Department of Justice, is entrusted with the task of coordinating the efforts of these U.S. Attorneys with the policies and priorities of the Attorney General and supervising their activities.

The FY 2007 budget requested by the Administration for U.S. Attorneys represents an increase of approximately \$75.8 million to \$1.664 billion from the \$1.588 billion enacted (with recisions) for FY 2007. The Administration proposes also a recision to that of the unobligated balance from Project Seahawk amounting to \$27 million, reducing its net request to \$1.6374 billion. This project, formally referred to as The Intermodel Transportation and Port Security Pilot Project, was created by Congress in FY 2003 at the port of Charleston, South Carolina. The Administration notes that at that time the Department of Homeland Security did not exist and U.S. Attorneys were directed in appropriation language to coordinate the project. The Administration feels that the function is more



appropriately being addressed now by the DHS, the Coast Guard, state and local governments and the private sector, and through the leadership of the DHS initiatives such as Project Seahawk will continue to be evaluated on their merits.

While the FY 2006 enactment funded 10,097 permanent positions, the FY 2006 would fund 10,262 permanent positions. Furthering the Department of Justice's first strategic goal to "prevent terrorism and promote the nation's security," four positions (1 attorney) and \$7.7 million are requested to support prosecution efforts in the war on terrorism. Other increased expenditures are focused on the Department of Justice's second strategic goal to "enforce federal laws and represent the rights and interests of the American people" would include: \$1.43 million for upgrades and replacements to physical security in U.S. Attorneys' Offices; \$6.081 million for 61 positions (48 attorneys) to support prosecution efforts for combating gang violence and reduction of crime throughout the U.S.; \$2.625 million for 26 positions (21 attorneys) to prosecute the increasing child exploitation, obscenity, child trafficking and "traveling" cases throughout the country; \$3.015 million for 30 positions (24 attorneys) to prosecute additional identity theft cases; and \$2.417 million for 28 positions to provide for increased enforcement and debt collection litigation through an emphasis on identification and preservation of assets.

The Committee fully appreciates the role of the U.S. Attorneys as the chief law enforcement representatives of the Department of Justice and is committed to ensuring they are given the necessary resources to fulfill their responsibilities.

#### **UNITED STATES TRUSTEE PROGRAM - DOJ**

The U.S. Trustee Program is charged with supervising the administration of bankruptcy cases and trustees. Its mission is to protect and preserve the integrity of the U.S. bankruptcy system by regulating the conduct of parties, ensuring compliance with applicable laws and procedures, bringing civil actions to address bankruptcy abuse, securing the just and efficient resolution of bankruptcy cases, and identifying and prosecuting bankruptcy crimes. The Program is self-funded through user fees paid by participants in the bankruptcy system. The Program's appropriation is offset by fees it collects during the fiscal year. These monies are paid into the U.S. Trustee System Fund. Approximately 51 percent of the Program's funding is subsidized by quarterly fees paid by Chapter 11 debtors. The remaining 49 percent of its funding is derived from a portion of filing fees paid to commence bankruptcy cases, interest earnings, and other miscellaneous revenues.

The Administration's FY 2007 request of \$236.116 million reflects an increase of \$24.452 million over the FY 2006 enacted level of \$211.664 million (with rescission and supplemental). This increase is principally comprised of adjustments to base consisting of \$16.025 million, representing expenditures for a 2.2% pay raise and annualization costs; \$1.343 million for rent and moving expenses; and a reduction in the amount of \$6.125 million for non-recurring decreases. In addition, the increase includes \$12.669 million for program changes resulting from the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8). These program changes include debtor audits, litigation pertaining to means testing and credit counseling



requirements, information technology, the preparation of mandatory reports, and facilities expansion. The FY 2007 request would fund an increase of FTE positions from 1,325 in FY 2006 to 1,486 for FY 2007. This increase is necessitated by the program changes described above. The Committee supports the requested increase.

### **HELP AMERICA VOTE ACT**

There are perhaps few greater priorities for the FY07 budget than continued Federal support for election reform. The 2000 and 2004 elections exposed a number of deficiencies in our electoral system, the exposure of which has undermined a number of Americans' faith in our democracy. As such, the Committee will continue to examine the implementation of the Help America Vote Act of 2002 (HAVA) to examine its impact on the prevention of election and voter registration fraud.

The Administration requests \$17.1 million for the Elections Assistance Agency under HAVA, a \$500,000 decrease from FY06. Because of the critical importance of election reform and the implementation of HAVA requirements, the Committee recommends that HAVA programs receive a total of \$645 million, the amount fully authorized under HAVA.

### **CIVIL DIVISION - DOJ**

The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other Federal employees in litigation in state and federal courts. Its litigation reflects the diversity of government activities, involving, for example: the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as contract disputes, banking insurance, patents, fraud and debt collection; all manner of accident and liability claims; and criminal violations of the immigration and consumer protection laws. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries. The Division confronts significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various Federal programs and actions.

For FY 2007, the Administration requests \$213.286 million for the Civil Division, which represents an increase of \$20.422 million from the \$192.864 million appropriated (with recisions) in FY 2006. The Administration requests 114 positions (86 attorneys) and \$9.566 million for alien deportation litigation by the Office of Immigration Litigation (OIL). The OIL workload has increased dramatically in the past three years and that trend is expected to continue. The additional increase is primarily attributable to expenditures for a 2.2% pay raise and annualization costs and \$4.331 million for rent expenses.

The Committee considers the work of the Civil Division crucial to the mission of the Department of Justice and recognizes the considerable liability facing the government from litigation brought against it. The Committee will carefully consider the program increases sought by the Administration, as well as the general activities of the Division, to insure that its performance



facilitates its mission within DOJ.

### **ENVIRONMENT AND NATURAL RESOURCES DIVISION (ENRD) - DOJ**

ENRD's areas of responsibility include litigation concerning the protection, use, and development of national natural resources and public lands, wildlife protection, Indian rights and claims, cleanup of hazardous waste sites, the acquisition of private property for federal use, and the defense of environmental challenges to government programs and activities.

The Administration requests \$95.051 million for FY 2007, which reflects an increase of \$2.277 million from ENRD's enacted FY 2006 appropriation, with rescission, of \$92.774 million. No program enhancements or additional personnel are sought by the Administration and the increase consists primarily of the 2.2 percent government-wide pay increase as well as increased adjustments to current services, such as \$1.189 million for rent to the General Services Administration (GSA). The Committee is supportive of ensuring ENRD has sufficient resources to properly support this work.

### **U.S. CUSTOMS AND BORDER PROTECTION**

U.S. Customs and Border Protection (CBP) is the federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry along the border and at our Nation's sea- and airports. The Committee supports the missions of the CBP, both at and between the ports of entry. Inspectors and Border Patrol Agents provide a critical shield against the entry of those who would enter the United States to harm our people and our institutions, and serve as an essential component of our immigration-enforcement system. The FY 2007 budget seeks \$7.847 billion for CBP, an increase of \$702 million over the FY 2006 level for the agency.

By the mid 1990s, our southwest border was in a state of crisis. The transit routes most heavily used by aliens unlawfully present were in the San Diego and EL Paso corridors. The Border Patrol in El Paso, Texas then developed "Operation Hold the Line" and placed agents directly on the border. This visual deterrent had the effect of dramatically reducing illegal crossings, and cutting crime in border communities. The INS adopted the Hold-the-Line strategy in San Diego under the moniker of "Operation Gatekeeper", which brought law and order to the San Diego border. Despite the successes of Hold-the-Line and Gatekeeper, overall illegal entries across our borders have not decreased because there are not enough agents to duplicate the strategy across the entire southwest border. Unlawfully present aliens now resort to difficult and lightly patrolled routes across rugged terrain in California and Arizona that often result in tragic deaths along the border. Although the Committee is pleased that the Administration's budget calls for an increase of \$458.9 million for Border Patrol staffing, accounting for an increase of 1,500 Border Patrol agents (to a total of about 14,000), the Committee also supports the full and complete funding of an additional 2,000 Border Patrol agents in fiscal year 2006 that Congress authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The Committee strongly supports the proposed increase of \$454.2 million for enhancing Border



patrol presence between ports of entry. It should be noted that even if the Administration's request is fully funded, Border Patrol strength by the end of fiscal year 2007 will be 1,000 agents less than called for in IRTPA.

In addition to CPB's immigration responsibilities, its components also play a critical role in confronting the law-enforcement challenges facing our nation. CBP's Interdiction and Security (Outbound) enforces U.S. export laws and regulations to prevent weapons of mass destruction from falling into the hands of criminals or terrorists. As part of this responsibility, the agency interdicts illicit proceeds from narcotics and other criminal activities in the form of unreported and smuggled currency. The Committee agrees with the Administration that illicit currency is a critical element in the fight against terrorism, narcotics trafficking, and other criminal activities. The Border Patrol, a CBP component, has the primary responsibility for drug interdiction between the land ports-of entry. It participates in numerous interagency drug task force operations with other Federal, state and local law enforcement agencies through Operation Alliance along the southern border. All Border Patrol Agents receive Drug Enforcement Administration Title 21 cross-designated authority as part of their basic training. The purpose of this program is to increase the effectiveness of the agents patrolling the border. Additionally, CBP has the largest Federal law-enforcement canine program in the United States, with over 1,200 canine teams assigned to over 76 ports of entry and 69 Border Patrol stations. This program is responsible for detection of narcotics, currency, explosives, chemicals, and other illegal contraband.

## **U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of DHS. Comprised of several components from the former Immigration and Naturalization Service (INS), the U.S. Customs Service, and the Federal Protective Service (FPS), the agency combines the investigative, detention and removal, and intelligence functions of the former INS with the investigative and intelligence functions of the former Customs Service. The FY 2007 budget requests \$4.697 billion for ICE, a \$818 million increase over the FY 2006 enacted amount of \$3.879 billion.

The FY2007 budget proposes an increase of approximately 6,700 immigration detention beds, which would bring capacity up to about 27,500. The Committee is pleased with this request. However, it is still 1,300 short of the level authorized by Congress in IRTPA for fiscal year 2006. Full funding is critical because it is extremely difficult for the government to successfully remove non-detained aliens subject to removal orders. The Department of Justice's Office of the Inspector General found that from October 2000 through the end of 2001, the INS was only able to remove 13% of nondetained aliens with final orders of removal. Of those aliens who filed for asylum with an INS asylum office in 1999 and were denied asylum and ordered removed, less than 1% of those who were never detained actually were removed by April 2003 (35 out of 8719). Consequently, there are currently 558,000 alien absconders (aliens who remain at large after receiving removal orders) in the United States. A related problem is that with today's



limited detention resources, DHS catches aliens unlawfully present along the border and must promptly release many of those who are not Mexican. In 2005, the Border Patrol released 120,000 of the 160,000 non-Mexicans apprehended along our southern border, a practice called "catch and release." Additional detention beds called for will assist DHS in ending this practice.

Unfortunately, the total hours worked by investigators on employer sanctions cases fell from almost 714,000 in 1997 to 135,000 in 2004, a drop of 81 percent. Additionally, the number of notices of intent to fine employers for violations fell from 1461 in 1992 to 2 in 2005, a drop of 99 percent. Finally, the number of arrests of unlawfully present alien employees fell from 17,552 in 1997 to 445 in 2003, a drop of 97 percent. Therefore, the Committee is pleased that the Administration is requesting additional resources for enforcement of the laws against the employment of aliens unlawfully present – proposing an increase of 206 positions (including 171 special agents, bringing total staffing up from 124 to 330).

The Committee also is pleased that the Administration proposes an increase of 320 immigration enforcement agents (from 2,794 to 3,114) and 160 detention officers (from 436 to 596) to staff the increased immigration detention facilities discussed above. The Committee is also pleased that the Administration proposes an increase of 56 immigration enforcement agents (from 35 to 91) and 94 detention officers (from 308 to 402) for fugitive alien apprehension operations.

In IRTPA, Congress authorized an increase of at least 800 immigration investigators for fiscal year 2007. These figures cannot be looked at in isolation, because ICE has been shifting legacy-INS 1811-level investigators away from performing many traditional duties that they performed at the INS such as worksite audits and staffing the institutional removal program. Thus, increases in the 2007 budget request must be counterbalanced by the decreasing utilization of 1811s in interior enforcement functions and their shift by ICE to Customs duties.

- Office of Investigations

The FY 2007 budget requests \$1.46 billion for the agency's Investigations Program, an increase of \$125.5 million. The Office of Investigations program (OI) is responsible for investigating a range of issues, including human smuggling; narcotics, weapons and all other contraband smuggling; export enforcement, such as investigating illegal arms exports and exports of dual-use equipment that may threaten national security; financial crimes, such as money laundering, commercial fraud, intellectual property rights (including commercial counterfeiting) violations; cybercrime; immigration crime; and human rights violations. Of this increase, ICE will expand Worksite Enforcement and Compliance Enforcement Programs by hiring an additional 171 agents and 35 support personnel to increase investigations of critical infrastructure facilities and employers that attract significant numbers of unlawfully present aliens. Additionally, an increase in funding will support key ICE State and local law enforcement support programs, training expenses for State and local law enforcement personnel and the hiring of additional law enforcement technicians at the Law Enforcement Support Center to ensure adequate response times in assisting State and local law enforcement on immigration inquiries. The Committee supports these increases.



- Federal Protective Services

FPS is a fee-funded agency and recovers the cost of providing law enforcement and security support from the customer agencies. For the Federal Protective Service (FPS), the Administration is requesting \$516 million for FY 2007, which is a \$29 million increase over FY 2006. This request will support efforts to provide law enforcement and security services to DHS facilities and around more than 8,880 federal facilities. FPS provides these services with 15,000 contract security guards and 1,100 Law Enforcement Officers. The Committee also supports this increase.

### **TRANSPORTATION SECURITY ADMINISTRATION -DHS**

For the Transportation Security Administration (TSA), the Administration is requesting \$6.3 billion dollars for FY 2007, and increase of \$138 million for protecting the Nation's transportation systems to ensure freedom of movement for people and commerce.

For FY 2007, TSA is requesting \$4.65 billion to support Aviation Security, an increase of \$73.47 million. This request will provide TSA with sufficient flexibility to respond to changing security threats in a dynamic aviation transportation environment. Among new initiatives being pursued by TSA are an improvement in screener retention (\$10 million), acquiring emerging technology, such as whole body imaging systems, that will improve and expedite screening at airport checkpoints (\$8.367 million), and maintaining the Explosive Detection Systems that help prevent catastrophic loss and air piracy (\$34 million). The Committee supports this increase.

For FY 2007, TSA is requesting \$37.2 million to support surface transportation security activities, an increase of \$1.6 million. The Committee supports this change. The Administration also requests \$128.8 million for transportation threat assessment and credentialing, which was previously part of the aviation security appropriation, an increase of \$15.55 million. The Committee supports this request. TSA also is requesting \$527 million for transportation security support activities, an increase of \$21.9 million, which the Committee supports.

For FY 2007, the Administration is requesting \$699.29 million for the Federal Air Marshal Service (FAMS), which was transferred from ICE in October of 2005, an increase of \$19.96 million for continuing its mission of promoting confidence in our Nation's civil aviation system the effective deployment of FAMS to detect, deter, and defeat hostile acts targeting U.S. carriers, airports, passengers, and crews. This request will enable the FAMS to increase its staffing level that will allow it to meet its mission objective. The Committee supports sufficient resources to allow the FAMS to continue its important mission.



## **BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES - DHS**

The Homeland Security Act created U.S. Citizenship and Immigration Services (CIS) to administer the important immigration service functions described in the Immigration and Nationality Act, such as adjudicating naturalization and permanent residence applications. The USCIS total budget request is for \$1.986 billion, an increase of \$98 million over the FY2006 budget. Revenue from examinations fees accounts for 89% of the total USCIS budget request. A separate appropriation of \$114 million for FY2006 was dedicated for application backlog reduction. CIS is not requesting such an appropriation for 2007 because it believes that the backlog will be eliminated by the end of 2006. The Committee has supported specially appropriated funds to eliminate the backlog, and will continue to support them as necessary. The Homeland Security Act created U.S. Citizenship and Immigration Services (CIS) to administer the important immigration service functions described in the Immigration and Nationality Act, such as adjudicating naturalization and permanent residence applications. The USCIS total budget request is for \$1.986 billion, an increase of \$98 million over the FY2006 budget. Revenue from examinations fees accounts for 89% of the total USCIS budget request. A separate appropriation of \$114 million for FY2006 was dedicated for application backlog reduction. CIS is not requesting such an appropriation for 2007 because it believes that the backlog will be eliminated by the end of 2006. The Committee has supported specially appropriated funds to eliminate the backlog, and will continue to support them as necessary if the backlog is not eliminated by the end of 2006.

The Committee notes with approval the recent establishment of the Refugee Corps within USCIS, which is intended to provide a strong and effective overseas refugee processing program that more efficiently identifies inadmissible persons and those who are of national security interest without compromising the U.S. Refugee Program's humanitarian objectives. The Committee urges adequate funding in fiscal year 2007 to operate this initiative.

## **CIVIL DIVISION - OIL**

The Office of Immigration Litigation (OIL) in the Civil Division represents the U.S. Government in federal court in cases involving the application of the immigration and nationality laws. The budget for the Department of Justice requests an increase of \$9,566,000 for OIL to address a sharp rise in immigration cases. This will add 114 positions, including 86 attorneys. OIL has reached a crisis point, with each attorney handling on average a load of 155 cases. If there are no staffing increases for this component, OIL attorneys will be unable to handle their massive workload. The Committee supports sufficient resources to assist OIL in handling its further expanding caseload.



### **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW - DOJ**

The Executive Office for Immigration Review (EOIR) contains the corps of immigration judges, the Board of Immigration Appeals (BIA), and the Office of Chief Administrative Hearing Officer. EOIR presides over administrative immigration hearings such as removal, bond, and employer sanctions proceedings.

The budget request for EOIR is \$226,883,000, a \$16 million increase over the 2006 appropriation. While the Immigration Courts have completed more cases recently than in previous years, their caseload also has been growing and continues to grow. In particular, the Immigration Courts received 70,000 additional cases in FY 2005, and anticipate they will receive a minimum of 25,000 additional cases and 4,000 additional appeals in 2007. Given the fact that resources to handle the current caseload are strained, increases are needed to ensure that due process in immigration cases is satisfied and that potentially dangerous aliens are removed in a timely manner. The President's budget would increase the number of Immigration Judges by 20, and the number of staff attorneys and support staff by 10, to handle the increases in EOIR's workload.

### **OFFICE OF SOLICITOR GENERAL (OSG) - DOJ**

The Office of Solicitor General supervises and processes all appellate matters and represents the Government before the Supreme Court. For FY 2007, the Administration requests \$9.977, an increase of \$1.686 million from the \$8.291 million FY 2006 appropriation (with rescission). No program enhancements or additional personnel are sought by the Administration and the increase consists primarily of adjustments to current services, such as rent to the General Services Administration, and pay out of previously committed government-wide salary increases for its 48 permanent positions (which remains the same). The Committee considers the work of the OSG an important element of the role played by the Department of Justice and expects to consider whether the Administration's request is sufficient to insure the OSG's work is adequately supported.

### **LEGAL SERVICES CORPORATION (LSC)**

LSC is a non-profit entity established by Federal statute for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. For FY 2007, the Administration requests an allocation of \$310.860 million for LSC, an overall decrease of \$15.718 million from the FY 2006 appropriation. The request specifically allocates: \$288.585 million for basic field programs and required audits; \$2.97 million for the Office of Inspector General; \$14.355 million for management and administration; and \$2.97 million for client self-help and information technology. The Committee will consider the Administration's request to determine whether it will adequately support LSC's goals as determined by Congress.



## **VIOLENCE AGAINST WOMEN**

The Justice Department's Violence Against Women Office (VAWO) is charged with administering the Violence Against Women Act (VAWA). VAWA plays an important role in providing grants to help state, tribal, and local governments develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women; develop and strengthen victim services in cases involving violent crimes against women; encourage arrest policies, distribute rural domestic violence and child abuse enforcement grants; aid victims of domestic violence, stalking, or sexual assault; reduce abuse and domestic violence; provide safe havens for children of abuse; and training for judges and court personnel. The Administration requests \$347 million for FY 2007 for the Office of Violence Against Women. The Committee notes that the Violence Against Women Act was reauthorized as part of the larger Department of Justice reauthorization legislation, which was signed into law by the President on January 5, 2006 (P.L. 109-162). The legislation included new VAWA grant programs and important changes to current law to improve the administration and operation of existing programs. Because the VAWA programs were reauthorized for FY 2007-2011, the Committee expects the Department of Justice to implement these changes for administration of the programs beginning in FY 2007. Because of the critical importance of VAWA, the Committee supports full funding of VAWA.

Additionally, the Committee supports the Administration request for a \$14,000 increase for the National Stalker and Domestic Violence Reduction Program, funding the program at \$2.94 million.

## **COMBATTING TRAFFICKING IN PERSONS**

The Committees on the Judiciary and International Relations worked together to address the very serious problem of trafficking in persons in the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164). The Committee is pleased that the Administration included a request for \$20 million to establish a program to provide grants to state and local law enforcement to improve programs to investigate and prosecute acts of severe forms of trafficking in persons and sex trafficking in accordance with that legislation, which was signed into law on January 10, 2006.

## **DNA BACKLOG ELIMINATION**

The Administration DNA Initiative requests funding for the following purposes: 1) to eliminate the DNA crime scene and convicted offender backlog; 2) make forensic lab improvements; 3) provide grants for DNA research and development; 4) provide specialized training for law enforcement and medical personnel; 5) provide programs to identify missing persons; and 6) provide post-conviction DNA testing. The Committee supports the Administration's request of \$176 million. This is a \$67.6 million increase over the FY2006 appropriation. However, the



Committee supports funding for Capital Litigation Improvement Grants at \$75 million, the amount authorized by the Justice for All Act of 2004, P.L. 108-405.

The Committee is pleased that the Administration's budget request includes \$14.9 million for Capital Litigation Improvement Grants, a \$13.9 million increase over the FY2006 appropriation, to train private defense counsel, public defenders, state and local prosecutors, and state judges to improve the competency of all participants in capital cases at the state level.

#### **STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)**

The Committee recommends that the State Criminal Alien Assistance Program (SCAAP), be funded for FY 2007. As in FY2006, the Administration does not request any funding for this program in FY 2007. The program was originally authorized at \$650 million under the Violent Crime Control and Law Enforcement Act of 1994, and the FY2005 enacted level was \$399.8 million. The Committee notes that in the Violence Against Women and Department of Justice Reauthorization Act of 2005, this program was reauthorized for \$750,000,000 for fiscal year 2006; \$850,000,000 for fiscal year 2007; and \$950,000,000 for each of the fiscal years 2008 through 2011.

State and local governments have had to bear an immense fiscal burden as a result of incarcerating criminal aliens. Although control of our Nation's borders is under the exclusive jurisdiction of the federal government, states and localities are only partially reimbursed for these expenditures. Reinterpretation of the statutory language establishing the program has further reduced the ability of state and local governments to be fully reimbursed for their actual costs. The Committee believes that SCAAP should be adequately funded to assist state and local jurisdictions when the federal government fails to meet its responsibility to prevent illegal immigration.

#### **DRUG ENFORCEMENT ADMINISTRATION - DOJ**

For FY 2007, the Administration has requested \$1.736 billion for the Drug Enforcement Administration, a \$62 million increase from the FY2006 enacted level of \$1.674 billion, but \$23.6 million below FY07 current services.

In support of its goal of preventing terrorism and promoting national security, the Administration's request seeks \$4 million contributed to the permanent, non-personnel funding of its Foreign-deployed Advisory Support Team (FAST) initiative for the five teams operating on a rotating basis in Afghanistan. The Administration also seeks 57 positions and \$11.981 million to enhance its ability to enhance and focus its human intelligence resources on national security issues and facilitate information sharing with the intelligence community. The Committee supports the requested increases and continues to review DEA's mission, priorities, strategies and activities to determine if the DEA has properly allocated its resources to combat international trafficking organizations.



The Administration request for the Organized Crime Drug Enforcement Task Force (OCDETF), includes an increase of \$15.2 million in an effort to continue the identification and targeting of major trafficking organizations responsible for the U.S. drug supply. The Attorney General's Drug Enforcement Strategy restored the focus of the OCDETF program to facilitate coordinated investigations of major drug supply and money laundering organizations targeting the entire infrastructure of these enterprises. The Committee supports the continued operation of OCDETF under the direction of the Department of Justice. The Administration also requests the transfer of the High Intensity Drug Trafficking Area program from the Office of National Drug Control Policy to OCDETF, as well as \$208 million for its operation, in an effort to provide for a unified approach against drug trafficking by law enforcement and prosecutors and continue to foster coordination among federal, State and local law enforcement.

### **JUSTICE ASSISTANCE**

The Administration request reflects both a reduction in funding for the Office of Justice Programs and the Community Oriented Policing Services office, and a shift in priorities from previous Administrations. The Committee notes that despite the reduction in funding for state and local law enforcement at the Department of Justice, the Administration request includes \$3.4 billion for state and local government preparedness and coordination to prevent, deter, and respond to terrorist attacks at the Department of Homeland Security.

The Committee supports robust funding for state and local first responders. First responders are the most likely to confront a terrorist attack before any Federal official. The Committee understands the limitation of resources and supports the Administration's efforts to consolidate the management of first responder grants under OJP. This Committee will work with its Senate and House counterparts to ensure that the Nation's homeland security policy protects all America.

The Committee agrees with the Administration that Office of Justice Programs funds (including VAWA and COPS) should continue to be used to provide flexible grants for state and local law enforcement assistance and shares the concern of the Administration with regards to earmarking.

The Committee plans to continue vigorous oversight of the operations and structure of OJP to ensure continued evaluation of these programs to ensure support of effective crime prevention programs. The Committee notes that the Violence Against Women and Department of Justice Reauthorization Act, P.L. 109-162 was signed into law on January 5, 2006 to reauthorize and reorganize OJP and COPS grant programs to consolidate programs with similar purpose areas and decrease opportunities for earmarking. The Committee supports greater funding for COPS than requested by the Administration in order to fulfill the mission of the restructured program.

The Committee believes increased review of the effectiveness of these programs is vital to sensible administration of the grants. GAO studies have raised concerns regarding the administration and evaluation of OJP and COPS grant programs. Therefore, the Committee supports funding for increased evaluation and data collection activities enacted in its DOJ reauthorization legislation and the Administration's request for \$59.8 million for the Bureau of



Justice Statistics gathering efforts and \$56.2 million for the National Institute of Justice research, evaluation, and demonstration programs.

The President's FY07 budget proposal eliminates funding for key programs and initiatives, including COPS hiring initiatives, communications technology grants, and law enforcement technology grants. The Committee's reauthorization bill restructured the COPS program to allow more flexibility and provided more money overall for COPS program activities than is included in the Administration's budget.

The Committee supports a consolidation of the Byrne Grants and Local Law Enforcement Block Grants ("LLEBG") grants into a new Justice Assistance grant program, which was included in legislation to reauthorize programs at the Department of Justice. However, the Committee has concerns that the funding for these grant programs may be insufficient and will conduct oversight to ensure that important functions of the programs are not restricted or limited. The Committee is committed to working with the Administration to continue to provide flexible grants for state and local law enforcement.

The Committee also supports the Administration effort to set aside an additional \$9.5 million in funds for Project Reentry to reduce recidivism rates by assisting inmates returning to society through faith-based and community organizations.

The Weed and Seed program provides a comprehensive solution to weed out violent crime and seed communities with crime prevention programs. The Committee supports funding of this program at \$49.3 million.

The Committee supports the Administration's request for \$992,000 for a new program to provide information to State and local law governments on best practices through the new What Works Clearinghouse. The Committee believes this information will be a valuable tool in fighting crime at the local level.

## **JUVENILE JUSTICE**

The Juvenile Accountability Incentive Block Grant Program (JAIBG), has helped States and localities throughout the country reform and strengthen their juvenile justice system. The Committee recently reauthorized the "Juvenile Accountability Block Grant (JABG)" through FY 2010. The Committee notes that the "Consequences for Juvenile Offenders Act of 2002," reauthorized in the Department of Justice Reauthorization Act, expanded the purposes of these grants and authorizes grant funding to be awarded to states through OJP to encourage states to adopt graduated sanctions programs for juvenile offenders. This program received a \$49.4 million appropriation (with rescissions) in FY 2006. The Committee is concerned that the Administration did not request funding for this program for FY 2007.

Project ChildSafe is a Federal, state, and local partnership designed to ensure that child safety locks are made available for every handgun in America. Such locks would prevent the unauthorized use and inadvertent discharge of firearms. In the past, this program has received support from the Judiciary Committee and the Administration. The President recommends



\$992,000 for FY 2007 for ChildSafe. The Committee notes that this program received a \$987,000 appropriation (with rescissions) in FY 2006. These efforts, along with the \$58.5 million proposed for the State and Local Gun Violence Assistance Program to focus combined state, local and federal efforts to combat gun violence, are part of the Administration's Project Safe Neighborhoods.

#### **STATE AND LOCAL ASSISTANCE**

The Administration's budget request includes shifting all programs funded under the State and Local Law Enforcement Assistance Program to the OJP Justice Assistance program appropriation. The Committee supports these efforts at better coordination and consolidation.

The Committee supports the Administration funding request of \$2 million to encourage prosecution and collect statistics on the incidence of sexual assaults in prison. The Drug Courts Program provides important opportunities to reduce demand for illegal drugs. The Committee supports the increase of \$59 million in funds over the FY 2006 appropriation (with rescission) to these programs for a total of \$69 million for drug courts.

The National Criminal History Improvement Program (NCHIP) provides grants to states and local governments to improve criminal history and related records which are vital to accuracy in determining eligibility to purchase firearms, work with children, or hold a position of public trust. The Committee supports the increase of funding to \$39.2 million to address these concerns.

As our nation works to ensure security and fight terrorism, it is imperative that we focus on proper training and assistance for state and local officers on the front lines. To enhance these efforts at the state and local level, the Committee supports the Administration's request for \$39.7 million for the Regional Information Sharing System and \$29.8 million for the Southwest Border Prosecutor Initiative.

The Committee supports the Administration's efforts to combat gang violence through the request for \$14.9 million for the Gang Prevention and Enforcement Program to provide technical assistance for State and local governments to disrupt criminal gang activity.

#### **SERVICES FOR VICTIMS OF CRIME**

The Committee is pleased that the Administration is requesting \$9.9 million to implement initiatives for victims of crime enacted by this Committee in the Justice for All Act. The request includes \$4.9 million for a federal victim notification system and \$5 million for legal counsel and support services for victims.

In addition the Committee supports the efforts by the Administration to continue to monitor convicted sex offenders through its \$2 million request for funds for a nationwide sex offender registry that links state systems together.



To continue efforts to protect the Nation's children, the Committee supports the Administration's request for \$51 million for the Missing and Exploited Children's Program, \$11.7 million to improve the investigation and prosecution of child abuse, and \$11.8 million for the Court-Appointed Special Advocate program.

#### **UNITED STATES MARSHALS SERVICE-DOJ**

The Marshals Service has varied responsibilities. The Service administers the Asset Forfeiture Program of the Justice Department; conducts investigations involving escaped federal prisoners and other fugitives; ensures safety at judicial proceedings; assumes custody of individuals arrested by all federal agencies; houses and transports prisoners; and manages the Witness Security Program.

In support of the Department of Justice's (DOJ) strategic goal of "ensuring the fair and efficient operation of the federal justice system", the Administration has requested a \$25 million increase for the Marshals above the FY 2006 request. The Department is requesting \$4.6 million and 37 positions to address increased judicial security requirements. Fourteen positions and \$7.1 million is requested for information technology security to strengthen the IT Infrastructure and enhance the Justice Detainee Information System. Fifteen positions and \$1.8 million is requested to improve financial oversight and policy compliance. The Committee supports these spending requests and the underlying initiatives.

#### **BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES**

The Bureau of Alcohol, Tobacco, Firearms and Explosives is responsible for enforcing the federal laws relating to alcohol, tobacco products, firearms and explosives, and reducing violent crime. ATF works with other law-enforcement agencies to investigate and prevent violent crimes related to firearms, explosives and arson. It provides training to state and local law enforcement in arson and explosives detection, including canine detection training. As part of its efforts to fight violent crime, the ATF has been involved in investigating and reducing gang violence nationwide.

The Administration is requesting \$860.1 million in FY2007 for the ATF, a \$71 million decrease over FY 2006 appropriated levels. The ATF requests an additional 87 positions and \$16 million for expansion of the Violent Crime Impact Team (VCIT) by 15 cities for a total of 40 Additional teams. The VCIT program targets high-crime areas within selected cities and concentrates its efforts on the most egregious violent crime offenders. The Administration also proposes language that would allow the Attorney General to establish fees for explosive materials manufactured and imported in the United States. Up to \$120 million of these fees may be retained by the ATF and used for implementation of its explosives program.



### **OFFICE OF GOVERNMENT ETHICS**

The Office of Government Ethics (OGE) is responsible for providing the overall direction of executive branch policies designed to prevent conflicts of interest and to ensure high ethical standards. For FY 2007, OGE is requesting an authorization of \$11.8 million, an increase of approximately 4.4% over the FY 2006 enacted level of \$11.3 million. The Committee recommends that OGE be adequately funded to fulfill its important functions.

### **COMMUNITY RELATIONS SERVICE-DOJ**

The Community Relations Service (CRS) was established under Title X of the Civil Rights Act of 1964. Since 1964, CRS has traditionally been responsible for the Prevention and Conciliation of Community Disputes program, which provides conciliation and mediation assistance to communities with the goal of achieving peaceful and voluntary resolution of racial and ethnic conflict. The Administration requests \$10.229 million for CRS in FY2007, an increase of \$693,000 from the FY2006 appropriation of \$9.536 million. The Committee recommends that CRS be fully funded to fulfill its important functions.

### **UNITED STATES COMMISSION ON CIVIL RIGHTS**

The United States Commission on Civil Rights was created to serve as a bipartisan, fact-finding agency. For FY 2006, the Commission was appropriated \$9.048 million, level funding from FY-2005 and 2004 levels. The Commission is requesting an increase in funding of \$261,000 to \$9.309 million for FY 2007. The Committee is currently examining recent actions and expenditures of the Commission.

### **CIVIL RIGHTS DIVISION-DOJ**

The Civil Rights Division of the Department of Justice is the primary institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. The Division enforces Federal laws prohibiting discrimination in education, employment, credit, housing, public accommodations, voting, and certain federally funded and conducted programs. The Division has eleven sections: Appellate, Coordination and Review, Criminal, Disability Rights, Educational Opportunities, Employment Litigation, Housing and Civil Enforcement, Office of Special Counsel for Immigration Related Unfair Employment Practices, Special Litigation, Voting, and Administrative Management. For FY 2006, the Division was appropriated \$109.037 million, an increase over the FY 2005 level of \$107.683 million. For FY2007, the Civil Rights Division is requesting \$113.583 million. The Committee recommends that funding levels for the Civil Rights Division be maintained at a level that permits it to carry out its critical mission of guaranteeing equality under the law.



## **U.S. PATENT AND TRADEMARK OFFICE**

The Committee proposes to authorize the United States Patent and Trademark Office (USPTO) to collect and spend \$1,842,966,000, subject to appropriation acts, from fee collections in FY 2007 to cover operating expenses, including the payment of retirement benefits for employees. This amount is derived from user fees paid by patent and trademark applicants or from fees for other services provided by the Office. This amount reflects a conservative estimate of a minimum five percent increase in patent application filings above the prior year. No taxpayer funds are expected or recommended.

The Administration has requested \$1,842,966,000 for USPTO operations in FY 2007, derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 (trademarks) and 35 U.S.C. 41 and 376 (patents).

The Committee supports full-funding of the USPTO and the elimination of any incentive to use agency revenues for non-USPTO purposes. All revenue generated under the new fee schedule, adopted as part of the Consolidated Appropriations Act of 2005, is necessary to implement the USPTO 21<sup>st</sup> Century Strategic Business Plan, including proposed quality initiatives, E-Government initiatives, and enhanced patent processing. The Committee will continue to work with the House Leadership and the Committee on Appropriations to end the practice of user-fee diversion without compromising the ability of the Committee on Appropriations to conduct oversight of USPTO activities. This would include enactment of H.R. 2791/H. Rept. 109-372, the "United States Patent and Trademark Fee Modernization Act" (with the accompanying score provided by the Congressional Budget Office dated December 5, 2005).

In addition, the Committee contemplates possible enactment of H.R. 2795, the "Patent Reform Act of 2005," or a close variant thereof in the 109<sup>th</sup> Congress. Included in this legislation is a new administrative construct ("post-grant opposition review") that would allow third parties and patentees to resolve disputes regarding patentability before the USPTO in a more cost-efficient manner relative to litigation in the federal courts. The Committee requests that USPTO be given resources sufficient to implement the new post-grant opposition system.

## **U.S. COPYRIGHT OFFICE**

The Copyright Office budget is a separate appropriation in the overall budget for the Library of Congress. The Copyright Office administers the U.S. copyright laws, provides copyright expertise to the Congress and executive branch agencies, and actively promotes international protection for intellectual property created by U.S. citizens.

The Committee supports the Copyright Office's basic appropriations request of \$53,540,000 for FY 2007. Of this amount, \$28,335,000 will be offset by amounts collected through registration and other fees. The Office's work administering compulsory licenses is fully funded by deductions from royalty fees. Less the offsets, the Office is requesting a net appropriation of \$25,205,000. Sufficient funding is required in FY 2007 to allow the Office to continue to fulfill its public service responsibilities – including the implementation of its re-engineering program.



## **THE FEDERAL JUDICIARY**

The Committee recognizes the Judiciary's essential role in providing justice to all citizens and the ever increasing workload and additional responsibilities thrust upon the Judiciary. The Committee understands that while the Judiciary has no control over the number of cases that are filed in the Courts, it must handle each case filed and has no flexibility in how quickly it must handle many of these cases. The Judiciary's workload is heavily influenced by national policies initiated in the Executive and Legislative Branches.

The Committee supports the Judiciary's appropriation request of \$6,260,494,000 for FY 2007. When combined with non-appropriated funds (such as fees), these resources represent a 6.5 percent increase in overall available funding when compared to the previous fiscal year. The requested appropriation will allow the Judiciary to restore the staff lost during the course of FYs 2004 and 2005 and will provide some additional resources to address workload growth resulting primarily from increased immigration enforcement efforts. Appellate, criminal, bankruptcy, probation and pretrial services caseloads have all seen double digit increases since fiscal year 2000, yet over that same period funded court staff levels have declined four percent. Filings of criminal cases increased 12 percent. The courts had over 113,000 felons under supervised release, and filings in the courts of appeals increased 22%.

In FY 2004, due to budget constraints, the Judiciary was forced to reduce its staffing levels by 1,350 position. This equates to six percent of the staff in the clerks, probation and pretrial services offices that were on-board at the beginning of FY 2004. In FY 2005, additional positions were left vacant due to the uncertainty surrounding the FY 2006 congressional budget outlook. The financial outlook for the courts is markedly improved in FY 2006, and it is critical that this continue and the Judiciary receive its full funding request in FY 2007.

Finally, the Committee intends to move legislation, yet to be introduced, that authorizes a cost-of-living adjustment (COLA) for Federal judges, consistent with the terms of section 140 of Public Law 97-92. This legislation will be based on the template of Public Law 108-491 (introduced as H.R. 5363, 108<sup>th</sup> Congress, with the accompanying score provided by the Congressional Budget Office dated December 14, 2004). The Committee requests that the Federal Judiciary be given resources sufficient for judges to receive a COLA in FY 2007.

## **THE STATE JUSTICE INSTITUTE**

Congress established the State Justice Institute (SJI) as a private nonprofit corporation in 1984. Its purpose is to improve judicial administration in state courts. SJI accomplishes this goal by providing funds to state courts and other national organizations or non-profits that support state courts.

SJI also fosters cooperation with the federal judiciary in areas of mutual concern. Since its creation in 1987, the Institute has awarded more than \$125 million in grants to support over 1,000 projects.

Pursuant to oversight legislation passed in the 107<sup>th</sup> Congress, the Attorney General, in consultation with the Federal Judicial Center, conducted a review of SJI operations and reported



his findings to Congress. In sum, the Attorney General noted that the Institute had been "effective" and had complied with its statutory mission. He further observed that "support for state court innovation and improvement is a federal interest."

The 108<sup>th</sup> Congress reaffirmed its commitment to SJI by authorizing its operations through FY 2008 pursuant to the terms of Public Law 108-372. Consistent with this legislative action, the Committee support a \$7,000,000 appropriation for SJI in FY 2007. The Institute is usually funded as a "related agency" in the Commerce-Justice-State-Judiciary appropriations bill.

## **OFFICE OF REFUGEE RESETTLEMENT**

### **Division for Unaccompanied Alien Children**

The Committee strongly supports the Administration's request for \$105 million for ORR's Division of Unaccompanied Alien Children, which exercises responsibilities for the care and placement of unaccompanied alien children while they are awaiting resolution of questions relating to their immigration status.

### **Matching Grant Program**

The Committee is particularly concerned about funding for the Matching Grant program, which is funded through the Transitional and Medical Services (TAMS) line item within ORR's budget. The Committee urges a fiscal year 2007 appropriation of \$75 million for this important program as part of an overall appropriation of \$397 million for TAMS. The Administration allocated \$50 million for the Matching Grant program in fiscal year 2006.

The Matching Grant program is administered through individual refugee resettlement agencies that have provided resettlement services to refugees. Its goal is to divert refugees from welfare dependency by providing intensive services to them to help them quickly become self-sufficient. It has proved to be a realistic, cost effective and "Fast Track" vehicle for assisting refugees attain economic self-sufficiency in the shortest period possible without accessing public cash assistance. It had the highest measurable self-sufficiency outcomes for fiscal year 2005, with 78 percent of clients enrolled becoming self-sufficient due to employment through the program. Program participants also have impressive job retention results nationwide.

The Matching Grant Program maximizes private contributions, whereby resettlement agencies "match" the federal grant with private cash and in-kind contributions on a 2:1 basis, providing an enormous amount of local community involvement in the resettlement process including volunteer time and contributions. Designating an appropriation for the Matching Grant program of \$75 million, therefore, would bring another \$37.25 million in private resources to the refugee program.



## **ADDITIONAL VIEWS OF REPUBLICAN MEMBERS OF THE JUDICIARY COMMITTEE**

We, the undersigned Republican members of the Judiciary Committee, would like to convey to you our analysis of President Bush's proposed budget for fiscal year 2007 insofar as it relates to the enforcement of the immigration laws of the United States. We are generally quite pleased with the budget, especially to the extent it makes good on the promises we made to the American people in the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458) ("IRTPA"), the REAL ID Act of 2005 (Pub. L. 109-13), and H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005". We urge you to fund the Department of Homeland Security in the budget resolution at a level that is at least sufficient to fulfill the Administration requests detailed in this letter.

The FY2007 budget proposes an increase of approximately 6,700 immigration detention beds, which would bring capacity up to about 27,500. We are very pleased with this request, which approaches the 8,000 bed increase called for by IRTPA for fiscal year 2007. The increase is critical because it is extremely difficult for the government to successfully remove non-detained aliens subject to removal orders. The Department of Justice's Office of the Inspector General found that from October 2000 through the end of 2001, the INS was only able to remove 13% of nondetained aliens with final orders of removal. Of those aliens who filed for asylum with an INS asylum office in 1999 and were denied asylum and ordered removed, less than 1% of those who were never detained were removed by April 2003 (35 out of 8719). Consequently, there are currently 558,000 alien absconders at large in the U.S. (aliens who remain at large after receiving removal orders), many of them convicted criminals. A related problem is that with today's limited detention resources, many illegal aliens caught at the border benefit from a revolving door. DHS catches illegal aliens along the border and must promptly release many of those who are not Mexican, hoping against experience that they will appear for their immigration court hearing months or years hence. In 2005, the Border Patrol had to release 120,000 of the 160,000 non-Mexican aliens apprehended along our southern border, a practice called "catch and release". The additional detention beds called for in the budget will assist DHS in ending this perverse practice. We must note that even if the Administration's request is fully funded, detention bed capacity by the end of fiscal year 2007 will be approximately 7,300 lower than called for in IRTPA.

Unfortunately, the total hours worked by investigators on employer sanctions cases fell from almost 714,000 in 1997 to 135,000 in 2004, a drop of 81%, the number of notices of intent to fine employers for violations fell from 1461 in 1992 to 2 in 2005, a drop of 99%, and the number of arrests of illegal alien employees fell from 17,552 in 1997 to 445 in 2003, a drop of 97%. This has helped undermine the promise of the Immigration Reform and Control Act of 1986, which barred the employment of illegal aliens. The country will never be able to control illegal immigration without addressing the "job magnet", which is the prime motivator for illegal immigration to the United States. Therefore, we are extremely pleased that the Administration is requesting additional resources for enforcement of the laws against the employment of illegal aliens – proposing an increase of 206 positions (including 171 special agents, bringing total



staffing up from 124 to 330).

We are pleased that the Administration proposes an increase of 320 immigration enforcement agents (from 2,794 to 3,114) and 160 detention officers (from 436 to 596) to staff the increased immigration detention facilities discussed above. We are also pleased that the Administration proposes an increase of 56 immigration enforcement agents (from 35 to 91) and 94 detention officers (from 308 to 402) for fugitive alien apprehension operations. They will have an enormous task given the hundreds of thousands of alien absconders.

In IRTPA, Congress authorized an increase of at least 800 immigration investigators in fiscal year 2007. If one considers the increases in professional staff for worksite enforcement and fugitive apprehensions as comparable, the Administration is proposing an increase of only 321 positions. We are disappointed by this increase, which is far below the 800 increase authorized. In addition, these figures cannot be looked at in isolation, because ICE has been shifting legacy-INS 1811-level investigators away from performing many traditional duties that they performed at the INS such as worksite audits and staffing the institutional removal program. Thus, increases in the 2007 budget request must be counterbalanced by the decreasing utilization of 1811s in interior enforcement functions and their shift by ICE to Customs duties. (While the Administration states that the additional 171 special agents for worksite enforcement will be 1811s, it states that the additional professional personnel for custody and fugitive apprehensions will be lower level 1801 "detention and removal officers.").

We remain concerned that interior immigration enforcement is not viewed by ICE as a high priority and that this will not be corrected so long as most ICE leadership positions are held by legacy-Customs Service officials. We are concerned that ICE has appointed legacy Customs Service agents to 20 of the 26 special agents in charge positions and 13 of 16 deputy special agent in charge positions, that the director and assistant director of the Office of Investigations are legacy Customs Service officials and that 4 of the 5 heads of ICE's operational divisions are legacy Customs Service officials. Finally, we are concerned that the number of removals of criminal aliens dropped from 88,897 in 2004 to 80,191 in 2005 and that the number of removals (not including expedited removal) of non-criminal aliens dropped from 72,193 in 2004 to 54,916 in 2005.

As mentioned, the Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ aliens not eligible to work. It also required employers to check the identity and work eligibility documents of all new employees. Unfortunately, the easy availability of counterfeit documents has made a mockery of IRCA. Congress responded in 1996 with the basic pilot program, under which volunteer employers could check the Social Security numbers and alien identification numbers of new hires against Social Security Administration and Department of Homeland Security records in order to weed out fraudulent numbers and thus to ensure that new hires are genuinely eligible to work. H.R. 4437 as passed by the House would make participation in the basic pilot program mandatory for all employers within two years of enactment. In addition, employers would be able to use the system to verify previously-hired



employees on a voluntary basis. By three years after enactment, federal, state, and local governments and the military would have to verify the employment eligibility of all workers, as must other employers for those employees working at federal, state or local government buildings, military bases, nuclear energy sites, weapons sites, airports, and critical infrastructure sites. By six years after enactment, all employers would have to verify the employment eligibility of all workers. Currently, the basic pilot program is funded out of general appropriations. We are extremely pleased that the Administration is proposing a specific authorization of \$110.5 million to prepare the basic pilot program to be expanded into a mandatory program as called for in H.R. 4437. This request would fund 48 administrative positions and 213 positions to operational positions (including "the costs for operating and maintaining the computer system used for automated matching with SSA and Citizenship and Immigration Services databases. This includes contractor costs for data matching, providing verification results to employers, tracking subsequent case events, and running a help desk for employers . . . . It also includes the cost of manually verifying cases that are not resolved automatically, and resolving cases of persons who erroneously receive tentative nonconfirmations because of errors in their SSA or DHS records. Last, it includes new initiatives to review employer transaction records both electronically and manually and to institute a strong program to foster compliance with the program through random and targeted employer reviews.") The request would also fund \$46.5 million in systems enhancements and would include 54 positions for employer outreach and publicity.

The SAVE system allows entities providing federal benefits to check the immigration status of applicants. It is funded out of general appropriations. We are pleased that the Administration is proposing a specific authorization of \$17 million to cover base funding and \$4 million to support expansion of SAVE to respond to requests by state motor vehicle administrators regarding drivers' license applicants as required by the REAL ID Act.

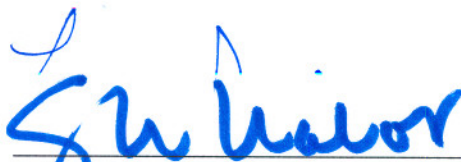
Finally, the Administration proposes an allocation of \$34.6 million in 2007 (with a total eventual cost of \$66.3 million) to complete the San Diego border fence as required by the REAL ID Act. It is crucial that the fence be completed to shut down the smuggling corridor in San Diego and to protect the San Diego naval base.

Sincerely,

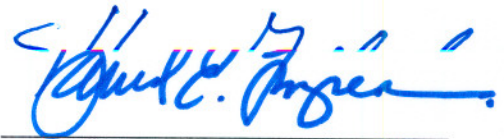


The Honorable John Hostettler

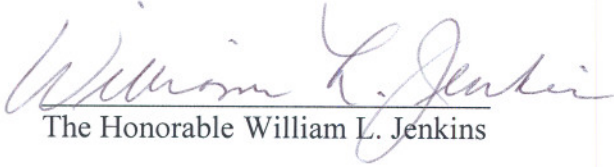




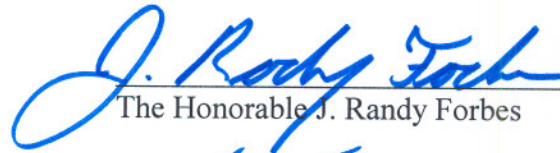
The Honorable Steve Chabot



The Honorable Daniel E. Lungren



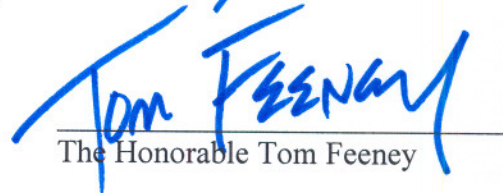
The Honorable William L. Jenkins



The Honorable J. Randy Forbes



The Honorable Steve King



The Honorable Tom Feeney




The Honorable Darrell E. Issa



## ADDITIONAL VIEWS- NINTH CIRCUIT COURT OF APPEALS

The Committee contemplates possible enactment of H.R. 4093/H. Rept. 109-373, the "Federal Judgeship and Administrative Efficiency Act of 2005" (with the accompanying score provided by the Congressional Budget Office dated November 21, 2005). The bill reconfigures the present Ninth Circuit Court of Appeals into two new circuits while creating a number of new and temporary circuit, district, and bankruptcy judgeships. The Committee requests that the Federal Judiciary be given resources sufficient to implement the circuit reconfiguration and create the new and temporary judgeships in FY 2007.



The Honorable Lamar S. Smith



The Honorable Steve King



The Honorable Bob Inglis



The Honorable Chris Cannon



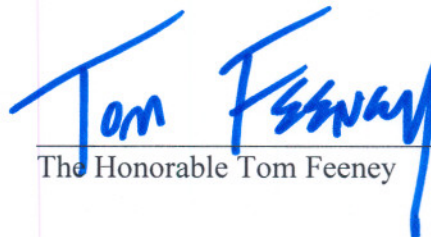
The Honorable Daniel Lungren



The Honorable Howard Coble



The Honorable Trent Franks

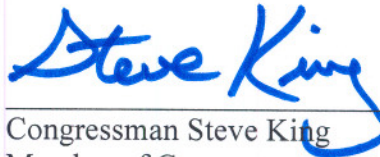


The Honorable Tom Feeney



## *Additional Views of Congressman Steve King*

- I. Regarding the Help America Vote Act, States should not be required to comply with its mandates unless they are fully funded. More information is required as to the ability of DRE voting systems to meet HAVA requirements. States should only be able to purchase machines that have an individual, verifiable, paper audit trail with federal taxpayer dollars. Machines without an audit trail are vulnerable to fraud and technological malfunctions.
- II. Regarding President Bush's proposed budget cuts to local law enforcement agencies, I fear such cuts in aid to local law enforcement agencies could lead to increases in crime and violence in our rural communities. These cuts are especially troubling given that these programs have endured cuts of over \$2.3 billion in past years, making funding for justice programs scarce. With illegal immigration and methamphetamine abuse at alarming rates, we can't afford to take funding away from our rural communities.



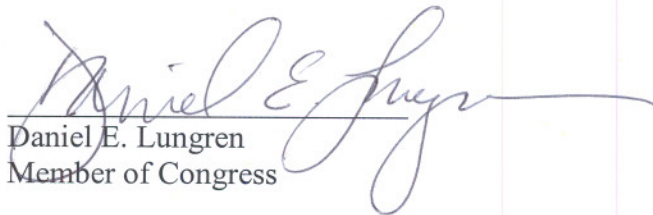
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Congressman Steve King  
Member of Congress

## **Additional Views of Daniel Lungren**

### **DRUG ENFORCEMENT ADMINISTRATION - DOJ**

The Administration has requested the transfer of the High Intensity Drug Trafficking Area program from the Office of Nation Drug Control Policy to OCDETF. Although we share a commitment to the effective operation of the program, the proposed move raises a concern that it would potentially undermine the collaborative nature of the existing program. My home state of California and the nation as a whole face a mounting crisis relating to the manufacture, sale, and use of Methamphetamine. It is therefore critical that any change in the existing organizational framework ensures that state and local narcotics officers continue to play an active role in responding to the growing scourge of methamphetamine.



Daniel E. Lungren  
Member of Congress



Clarification Note:

DNA Backlog Elimination

That funds directed under Section (5) “provide programs to identify missing persons” also include testing to identify unidentified remains.

A handwritten signature in blue ink that reads "Steve Chabot". The signature is fluid and cursive, with the first name "Steve" and last name "Chabot" clearly distinguishable. A horizontal line is drawn beneath the signature.

Steve Chabot  
Member of Congress